

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

ONEIL ALLEN,

Plaintiff,

v.

BEST FOODS BAKING COMPANY
F/k/a, d/b/a, and/or t/a
Entenmann's Inc.

&

Nicholas DeVirgiliis, Individually
& in His Official Capacity as
Division Sales Manager for
BEST FOODS BAKING COMPANY
F/k/a, d/b/a, and/or t/a
Entenmann's Inc.

Defendants.

ORDER

AND NOW this day of , 2002, upon consideration of Defendants' Motion to Dismiss the Complaint, their supporting Memorandum of Law, and Plaintiff's response thereto, it is hereby ORDERED that said Motion is GRANTED, and that Plaintiff's Complaint is dismissed in its entirety with prejudice.

Michael M. Baylson, J.

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

ONEIL ALLEN,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 02-CV-3663
	:	
v.	:	
	:	
BEST FOODS BAKING COMPANY	:	
F/k/a, d/b/a, and/or t/a	:	
Entenmann's Inc.	:	
	:	
&	:	
	:	
Nicholas DeVirgiliis, Individually	:	
& in His Official Capacity as	:	
Division Sales Manager for	:	
BEST FOODS BAKING COMPANY	:	
F/k/a, d/b/a, and/or t/a	:	
Entenmann's Inc.	:	
Defendants.	:	
	:	

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendants Best Foods Baking Company and Nicholas DeVirgiliis, by and through their attorneys, hereby move the court, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an order dismissing all claims in Plaintiff's Complaint with prejudice for the reasons set forth in the accompanying Memorandum of Law and the exhibits attached thereto.

Respectfully submitted,

Of Counsel:
MORGAN, LEWIS & BOCKIUS LLP

Edward S. Mazurek (PA I.D. No. 50278)
1701 Market Street
Philadelphia, PA 19103
(215) 963-5019
Attorney for Defendants Best Foods Baking Co.
and Nicholas DiVirgiliis

Dated: November 14, 2002

CERTIFICATE OF SERVICE

I, Edward S. Mazurek, hereby certify that a true and correct copy of the foregoing Defendants' Motion to Dismiss, supporting Memorandum of Law and proposed Order were served this 14th day of November 2002 by hand delivery upon:

D. Louis Nicholson, Esquire
1822 Spring Garden Street
Philadelphia, PA 19130

EDWARD S. MAZUREK